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throughout. The Appendices of texts are useful. The distribution of foot-notes between the end of the chapter and the bottom of the page is somewhat disconcerting.

EDWIN M. BORCHARD.

A HISTORY OF GERMANIC PRIVATE LAW. By Rudolf Huebner. Translated by Francis S. Philbrick. With Introductions by Paul Vinogradoff and by William E. Walz. Boston: Little, Brown, and Company. \$5.00. 1918. pp. 785.

As a volume for "The Continental Legal History Series" no more suitable book on Germanic law could have been selected than Professor Huebner's "Grundzüge der deutschen Privatrechts." Though a purely scientific and historical work, not intended as a textbook to prepare students for examinations, its merit is attested by the fact that its first publication in 1908 was speedily followed by a second edition in 1913. It is from this second edition that the present translation is made.

Though Huebner called his book "Principles," the translator has more accurately indicated its true nature by entitling it "History." For it is in no sense a mere exposition either of medieval Germanic law or of the Germanistic paragraphs in the Civil Code of 1900. On the contrary, its peculiar interest and value to the American student lies in the great historical sweep with which the author surveys the development of Germanic private law through the course of twenty centuries. In so doing, he shows a wide command of the vast literature of the subject, and, on disputed points, always refers to the views of his opponents, even though he does not clog his exposition by entering into a detailed discussion of their arguments. Huebner is frankly an enthusiast of the Germanistic school which developed under the inspiration of, and in opposition to, the Romanistic claims of Zavigny and his disciples. Being a follower of Albrecht, Brunner, and Gierke, Huebner rejoices every time that a good old Germanic institute, twisted or displaced at the Reception, has again come into its own by being given recognition in the Civil Code of 1900. But his enthusiasm cannot be said to bias his judgment. Nor why should it? For now that the scholars of the Germanistic school have secured in the paragraphs of the present Civil Code such a generous restoration and purification of Germanic law there is no longer need for them to carry on their propaganda. The Code has set the seal upon their labors. All that Huebner, therefore, seeks to do is to elucidate the historical development which Germanic law has undergone.

His method may be very briefly indicated. He divides the whole subject into five books (Law of Persons, Things, Obligations, Family, and Inheritance) and subdivides each into its constituent institutes. He then follows each through the five phases of its history. Take, for instance, by way of illustration, the law of associations. (1) The medieval Germanic law is portrayed in all its rich variety of forms. The weakness of the medieval state, which was too weak to give efficient protection to individuals, naturally led "fellows" ("Genosse") to form themselves into all sorts of associational groups. Besides the old "sib" and "mark" associations, there grew up associations for special agricultural purposes (*Gehöferschaften*, *Hauberge*), mining associations, transportation unions, the craft and the merchant guilds, and various other associations for fraternal, convivial, religious, and political purposes. In addition to these associations proper (*Genossenschaften*), so organized as to confer upon the entire body of members as such an independent personality, there developed also various personal unions "of collective hand," which had no such independent personality. All these forms of association shaded into

one another. They were not sharply separated from each other by any clear-cut formulas. They were adapted to express the needs of the varied social life of the German Middle Ages, and they were susceptible of further development and scientific treatment, had not the alien Roman law broken in to arrest their development. (2) The Roman law corporation theory, with its contrasted "*universitas*" and "*societas*" is then traced from its classical form into its modification by later writers. (3) Then follows in the period of the Reception the conflict between the native Germanic and the alien Romanistic association theories. The German "*Genossenschaft*" was violently twisted and forced into the mold of the "*universitas*" and the "community of the collective hand" into that of the "*societas*." The result of this legal violence was that the Roman principles were themselves modified, and yet the resulting legal rules did not accurately reflect existing native customs. (4) To what extent this legal muddle was embodied or clarified in the territorial laws and codes of the eighteenth and early nineteenth centuries is next examined. (5) Finally the present Civil Code is shown to mark a triumphant renaissance of parts of the Germanic law; for the Civil Code knows nothing of the "*persona ficta*" of the later Roman "*universitas*"; and the principle of "the collective hand" has been made by the Civil Code the basis not only of the marital community of goods, but, what is more important, of the ordinary partnership of private law. Huebner also frequently adds to the interest and breadth of his discussion by indicating those cases in which Germanic law is embodied in Napoleon's Code and in the Swiss Civil Code of 1907.

The translation, while it lacks the genius with which Maitland rendered part of Gierke, is on the whole excellent. Dr. Philbrick is sometimes inconsistent in using different English expressions for one and the same German word and idea. But he has wisely avoided the pitfall of trying always to find Anglo-Saxon phrases which might mislead the reader into assuming a greater similarity between the English and Germanic legal systems than really exists.

SIDNEY B. FAY.

EXECUTORY INTERESTS IN ILLINOIS. By Thomas W. Hoopes, of the Springfield Bar. Chicago: Burdette J. Smith and Company. 1918. pp. vi, 339.

The title of this book carries with it a fairly adequate description. It belongs to that class of local treatises which are of considerable value to the local practitioner, but of less interest to the profession outside the state, except in the case of an attorney who chances to have business in that particular state. Within these limits, however, local treatises are very convenient, and are always welcome. Many law teachers in fact are believers in the value of teaching local law primarily.

The author in his preface states that the book is a text based upon a compilation which he had made of the Illinois cases on future interests. To this extent it seems to be very well done. The cases are systematically gathered, the topics logically arranged, and the discussion dovetailed, so far as possible, with the general law.

The obvious disadvantage of a strictly local book dealing with such a fundamental topic as future interests is that many branches of the law equally important with those discussed are necessarily ignored because the points have not come up in the particular jurisdiction. In this respect such a book differs from a discussion of such topics as probate law, or conveyancing, or similar matters, which are largely statutory.

The book follows the lines previously covered by Professor Kales' treatise on "Conditional and Future Interests in Illinois," published thirteen years ago, having the advantage over the latter of being up to date. It does not go quite